

OPINION
49-149

May 27, 1949 (OPINION)

OFFICERS

RE: Justice of the Peace - Dockets

I acknowledge receipt of your letter of May 25, 1949, wherein you inquire whether it is the responsibility of the board of county commissioners of a county to provide a duly elected and qualified county justice of the peace with proper dockets.

Under the statutes of North Dakota, (s. 33-0112 of the 1943 Revised Code), it is the mandatory duty of a justice to keep a docket, and the statute outlines the contents thereof; and goes on to give the effect of the docket as evidence and provides that it has to be indexed.

Section 33-0115 provides that every county justice of the peace, within thirty days after the expiration of his term of office, must deposit with the clerk of the district court his official dockets and papers to be kept as public records, and section 33-01127 provides for a penalty for not depositing said dockets.

It is, therefore, our opinion that the dockets of a justice of the peace is a public record and is not the private property of any particular justice, but must be turned over to his successor, and hence it is our opinion that the board of county commissioners is required to provide the duly elected and qualified county justice of the peace with reasonable and necessary dockets for his necessary and reasonable public work.

In the instance you draw to my attention, the predecessor to Mr. Bingham certainly must have had dockets and his dockets should be available to Mr. Bingham for continuation and for filing of record.

WALLACE E. WARNER

Attorney General